

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DAVID DEJESUS, SR.,)	
)	
Plaintiff,)	
)	
)	Civil Action No. 06-209-JJF
v.)	
)	Jury Trial Requested
)	
WARDEN RAPHAEL WILLIAMS, CMS,)	
DANA BAKER, and WILLIAM JOYCE,)	
)	
Defendants.)	

DEFENDANT WARDEN RAPHAEL WILLIAMS’S MOTION TO DISMISS

COMES NOW, the Defendant Warden Raphael Williams, by and through his undersigned counsel, and hereby moves this Honorable Court (the “Motion”) to enter an Order, substantially in the form attached hereto, dismissing with prejudice all claims against him pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. In support of the Motion, Warden Williams has filed simultaneously herewith State Defendant Warden Raphael Williams’s Memorandum Of Points And Authorities In Support Of The Motion To Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6).

WHEREFORE, Warden Williams respectfully requests that this Honorable Court enter an order, substantially in the form attached hereto, dismissing the claims against him with prejudice.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Erika Y. Tross

Erika Y. Tross (#4506)

Deputy Attorney General

820 North French Street, 6th Floor

Wilmington, Delaware 19801

(302) 577-8400

Attorney for Defendant Warden

Raphael Williams

Dated: October 23, 2006

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DAVID DEJESUS, SR.,

Plaintiff,

V.

WARDEN RAPHAEL WILLIAMS, CMS,
DANA BAKER, and WILLIAM JOYCE,

Defendants.

Civil Action No. 06-209-JJF

Jury Trial Requested

ORDER

Upon Defendant Warden Raphael Williams’s Motion To Dismiss pursuant to Federal Rule Of Civil Procedure 12(b)(6) (the “Motion”); and it appearing that good and sufficient notice of the Motion has been given; and after due deliberation thereon:

IT IS HEREBY ORDERED as follows:

1. The Motion is **GRANTED**.
2. The Complaint filed in the above-captioned action is **DISMISSED WITH PREJUDICE** as to Defendant Warden Raphael Williams.

SO ORDERED this _____ day of _____, 2006.

The Honorable Joseph J. Farnan, Jr.
United States District Court Judge

CERTIFICATE OF SERVICE

I, Erika Y. Tross, Esq., hereby certify that on October 23, 2006, I caused a true and correct copy of the attached *Defendant Warden Raphael Williams's Motion To Dismiss* to be served on the following individual in the form and manner indicated:

NAME AND ADDRESS OF RECIPIENT(S):

David DeJesus, Sr.
Howard R. Young Correctional Institution
P. O. Box 9279
Wilmington, DE 19809

MANNER OF DELIVERY:

- ☐ One true copy by facsimile transmission to each recipient
- ☒ Two true copies by first class mail, postage prepaid, to each recipient
- ☐ Two true copies by Federal Express
- ☐ Two true copies by hand delivery to each recipient

/s/ Erika Y. Tross
Erika Y. Tross (#4506)
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